

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION

United States District Court
Southern District of Texas

ENTERED

March 21, 2022

Nathan Ochsner, Clerk

Chuong Duong Tong,
Petitioner,

v.

Bobby Lumpkin,
Respondent.

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Civil Action H-10-2355

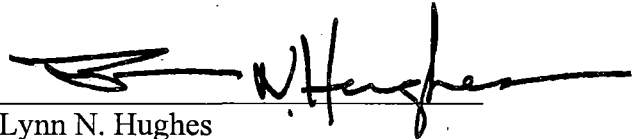
Order on Funding

This case is on remand from the Fifth Circuit. The Court granted investigative funding (182) and ordered briefing on Tong's *Wiggins* claim (190). Tong now moves for more expert funding and for leave to file his motion for funding *ex parte* and under seal. Lumpkin opposes the motions.

The motion for expert funding explains the reasons Tong seeks the assistance of the identified experts. This is protected attorney work product. The motion for leave to file *ex parte* and under seal (197) is granted.

Tong seeks additional funding for two experts. Both experts are relevant to the *Wiggins* claim. In light of the current record, both experts are necessary but, because the requested funding exceeds the presumptive statutory cap, the approval of the Chief Judge of the Fifth Circuit is required. The court will seek that approval. Tong's motion (198) is granted subject to the approval of funding by the Chief Judge of the Fifth Circuit.

Houston, Texas
March 21, 2022


Lynn N. Hughes
United States District Judge